

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Laura Kastner	Team: Team # 2	CCRB Case #: 201211897	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 08/28/2012 6:10 PM	Location of Incident: Outside of § 87(2)(b)	Precinct: 71	18 Mo. SOL 2/28/2014	EO SOL 2/28/2014	
Date/Time CV Reported Thu, 09/13/2012 4:29 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 09/13/2012 4:29 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Gesner Charles	03036	925061	PBBS
2. POF Delisa Brown	01781	948700	PBBS

Officer(s)	Allegation	Investigator Recommendation
A.SGT Gesner Charles	Abuse: Sgt. Gesner Charles questioned § 87(2)(b)	§ 87(2)(b)
B.POF Delisa Brown	Abuse: PO Delisa Brown searched § 87(2)(b)'s vehicle.	§ 87(2)(b)
C.SGT Gesner Charles	Abuse: Sgt. Gesner Charles supervised the search of § 87(2)(b)'s vehicle.	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

### Case Summary

On September 13, 2012, § 87(2)(b) filed an in-person complaint at the CCRB (encl. F1-F2). On August 28, 2012, at approximately 6:10 p.m., § 87(2)(b) was issued a summons for § 87(2)(b) outside of § 87(2)(b) in Brooklyn. The following allegations resulted from the incident:

- **Allegation A - Abuse of Authority: Sgt. Gesner Charles questioned § 87(2)(b)**  
§ 87(2)(g)  
[REDACTED]
- **Allegation B – Abuse of Authority: PO Delisa Brown searched § 87(2)(b) s vehicle.**
- **Allegation C – Abuse of Authority: Sgt. Gesner Charles supervised the search of § 87(2)(b) s vehicle.**  
§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]
- § 87(4-b), § 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

This case was originally assigned to Inv. Patrick Harrison. It was reassigned to Inv. Laura Kastner on January 17, 2013 for closure.

### Results of Investigation

#### Civilian Statements

##### Complainant/Victim: § 87(2)(b)

- *A black man who is 5'9" tall, weighing 150 pounds with brown hair and brown eyes, § 87(2)(b) was § 87(2)(b) at the time of the incident.*

##### CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on September 13, 2012 (encl. F3-F8). He provided an additional telephone statement on September 19, 2012 (encl. F10). § 87(2)(g)  
[REDACTED]

On August 28, 2012, § 87(2)(b) s vehicle, a customized white 2000 Mercury Grand Marquis, was lawfully parked outside of a laundromat located at § 87(2)(b) in Brooklyn. No music was emanating from the vehicle nor was the car engine turned on. The key to the vehicle was in the ignition and the driver's side door was unlocked. All the windows were closed, except for the driver's side window, which was rolled halfway down. At approximately 6:10 p.m., § 87(2)(b) was inside his garage, located in a yard behind the laundromat. There is a driveway directly adjacent to the laundromat, leading from the street to the yard. A friend of § 87(2)(b) s, described as a black man, approximately 34 years old, standing approximately 5'9" tall, weighing approximately 150 to 160 pounds, with a slim build, dressed in jeans, and known to § 87(2)(b) only as "§ 87(2)(b)" was there to have § 87(2)(b) customize

his vehicle, which was parked next to a fire hydrant outside of the Laundromat. § 87(2)(b) was subsequently identified as § 87(2)(b)

§ 87(2)(b) was waiting for § 87(2)(b) on the sidewalk, and § 87(2)(b) was walking from the garage toward him when § 87(2)(b) observed an officer, identified by the investigation as Sgt. Gesner Charles, described as a black man in his late 30s, standing approximately 5'9" tall, weighing more than 200 pounds, with a muscular build, a low haircut, clean shaven, dressed in uniform, and with a West Indian Accent, searching § 87(2)(b)'s vehicle. The driver's side door of § 87(2)(b)'s vehicle was open, and Sgt. Charles stood at the door with his feet on the street, leaning all the way inside the vehicle looking around. § 87(2)(b) observed this for approximately 30 seconds from a distance of approximately 15 feet away. He did not see whether Sgt. Charles opened any compartments or containers in the vehicle because he was too far away. § 87(2)(b) did not see Sgt. Charles finish the search because he turned around, walked back to his garage and closed the garage door. It took § 87(2)(b) slightly less than a minute to accomplish this task.

§ 87(2)(b) then walked back toward his vehicle and observed § 87(2)(b) waving in his direction. Sgt. Charles was no longer searching the vehicle, but was walking away from § 87(2)(b) carrying an identification in his hand that § 87(2)(b) later learned belonged to § 87(2)(b). Sgt. Charles said something about identification and stated that he was going to tow § 87(2)(b)'s vehicle. During his CCRB interview, § 87(2)(b) initially stated that he first observed Sgt. Charles talking to § 87(2)(b), went back to his garage, and then saw Sgt. Charles searching his vehicle. However, he then reversed the order of events and stated that he first observed Sgt. Charles searching the vehicle, went back to his garage, and then saw him talking to § 87(2)(b). During his telephone statement, § 87(2)(b) confirmed that he first observed Sgt. Charles searching the vehicle, went back to his garage, and then saw him talking to § 87(2)(b) and stated that after that he saw Sgt. Charles with § 87(2)(b)'s identification, § 87(2)(b) waved § 87(2)(b) over.

Parked directly next to § 87(2)(b)'s vehicle, on its driver's side, was a marked police car. Sitting in the driver's seat was PO Delisa Brown, who was described as a black woman in her late 20s, standing approximately 5'5" tall, weighing approximately 140 pounds, with black hair tied in a bun (PO Brown was identified through the summons that § 87(2)(b) received as a result of this incident, which listed her name and tax number).

§ 87(2)(b) told Sgt. Charles that it was his vehicle and asked what was going on. Sgt. Charles asked to see § 87(2)(b)'s identification, and § 87(2)(b) complied. Sgt. Charles gave § 87(2)(b)'s identification to PO Brown, who issued § 87(2)(b) a summons for unreasonable noise. § 87(2)(b) stood approximately 10 feet away from the officers while his summons was being prepared. Sgt. Charles asked § 87(2)(b) to approach him and § 87(2)(b) did so, while simultaneously making a video recording of the incident. During his CCRB interview, § 87(2)(b) stated that he recorded the incident for his safety. He pointed his phone at Sgt. Charles, who told him to take the phone off of him or to not record his face (§ 87(2)(b) could not recall exactly what Sgt. Charles said). § 87(2)(b) was approximately six feet away from Sgt. Charles, standing between his vehicle and the police car, when Sgt. Charles gave § 87(2)(b) this instruction. § 87(2)(b) complied and pointed his phone away from Sgt. Charles' face, although he continued to record. PO Brown then handed § 87(2)(b) a summons for unreasonable noise.

§ 87(2)(b)'s interaction with the officers lasted for approximately 10 to 15 minutes. He did not ask the officers any questions, including why Sgt. Charles had searched his vehicle. Neither officer stated a reason for searching the vehicle. § 87(2)(b) did not speak throughout § 87(2)(b)'s interaction with the officers. No other summonses or arrests resulted from the incident.



### **Video Footage**

Following his CCRB interview, § 87(2)(b) showed CCRB Inv. Harrison a video recording on his cell phone that he made of part of the incident. The video could not be copied or forwarded from § 87(2)(b)'s phone, so an audio recording was made of Inv. Harrison narrating the course of events as he watched the video (encl. F9), which is described below. To date, § 87(2)(b) has not provided the CCRB with a copy of this video recording.

§ 87(2)(b) held the camera and was not visible throughout the course of the video. It was dark outside, and a bluish-white light emitted from his telephone. A marked police car was present, parked directly next to the driver's side of § 87(2)(b)'s vehicle. Sgt. Charles, a black man wearing a short-sleeved uniform, stood between the two cars, and at the 00:19 mark of the recording, three blue V-shaped stripes were visible on his right uniform sleeve. PO Brown, a uniformed black woman wearing glasses, was seen sitting in the driver's seat of the marked car. § 87(2)(b) approached Sgt. Charles, filming his upper torso and the lower part of his face. Sgt. Charles then asked § 87(2)(b) to take "that light" off of his face and § 87(2)(b) lowered the camera so that Sgt. Charles' face was no longer visible in the frame, although his torso and the upper part of his legs still were. At the 00:49 mark of the recording, Sgt. Charles' gold shield was visible, as was his name, "CHARLES," on his name plate. PO Brown then stated that § 87(2)(b)'s summons was for § 87(2)(b) and that he must appear at 356 Broadway in Manhattan for his court date or there would be a warrant issued for his arrest.

### **Victim:** § 87(2)(b)

- § 87(2)(b) *did not provide his pedigree information.*

On September 18, 2012, § 87(2)(b) was contacted and provided a telephone statement (encl. F11).

On August 28, 2012, § 87(2)(b) was talking with a mechanic, whose name he did not know, at § 87(2)(b) in Brooklyn (The mechanic was identified as § 87(2)(b) based on § 87(2)(b)'s CCRB statement). They were talking about the work that § 87(2)(b) had done on his own vehicle. Both § 87(2)(b)'s vehicle and § 87(2)(b)'s vehicle were parked outside the location. The windows of § 87(2)(b)'s vehicle were down, the doors were unlocked, and there was no music coming from the vehicle. Some individuals drove by in a vehicle that had loud music playing, but they turned the corner and drove away.

A police car pulled up to the location. Sgt. Charles approached § 87(2)(b) and asked him about the owner of § 87(2)(b)'s vehicle. § 87(2)(b) told Sgt. Charles that it was not his car and indicated which vehicle belonged to him. Sgt. Charles asked § 87(2)(b) for his license, and § 87(2)(b) complied. He told § 87(2)(b) that he was going to take § 87(2)(b)'s vehicle, and Sgt. Charles then opened the door of § 87(2)(b)'s vehicle and looked inside. Sgt. Charles put his head inside the vehicle for a few seconds and then exited. Due to § 87(2)(b)'s location, he could not see whether Sgt. Charles moved things around inside of the vehicle or searched inside of any compartments or containers. § 87(2)(b) told Sgt. Charles that he was the owner of the vehicle that he had looked inside of, and Sgt. Charles issued him a summons for § 87(2)(b).

Although § 87(2)(b) stated that he felt Sgt. Charles should not have looked inside § 87(2)(b)'s vehicle, he did not want to participate in any investigation of the incident.

### **Witness:** § 87(2)(b)

- *A black man who is 5'7" tall with a muscular build and in his 30s or 40s, § 87(2)(b)*

### **Telephone Statement**

On October 11, 2012, § 87(2)(b) was called and he said that he did not recall the incident. After Sgt. Charles stated that § 87(2)(b) participated in the incident (see Sgt. Charles' CCRB statement below), § 87(2)(b) was contacted again, on January 15, 2013. He initially stated that he still did not recall the incident. However, after Inv. Harrison recounted its details, § 87(2)(b) said that he did recall parts of it (encl.F12).

§ 87(2)(b) stated that he fits the description of a black man in his 30s or 40s who stands 5'7" tall, with a muscular build, and dressed in a tank top. He stated that Individual 1, whose name § 87(2)(b) did not know, but who fit § 87(2)(b)'s description of a middle-aged black man standing approximately 5'9" tall, has worked installing car stereos outside of § 87(2)(b)'s laundromat ever since § 87(2)(b) opened the business § 87(2)(b). § 87(2)(b) said that there are often many vehicles in front of his laundromat being worked on by § 87(2)(b) and that he did not know which vehicle belonged to him, including whether he owned a customized white Mercury Grand Marquis. § 87(2)(b) often plays very loud music and whenever his customers complain about it, § 87(2)(b) asks him to turn the music down and § 87(2)(b) does so without becoming confrontational. § 87(2)(b) recalled the most recent incident in which § 87(2)(b) was playing loud music outside of the laundromat, although he was unsure of the date.

Sgt. Charles and PO Brown pulled up in a police car outside of § 87(2)(b)'s business while § 87(2)(b)'s vehicle was playing loud music. § 87(2)(b) was standing outside of the laundromat and did not recall whether he called or hailed the officers over, but he stated that was unlikely because he does not usually need the police to assist in getting § 87(2)(b) to turn his music down. § 87(2)(b) and an unidentified person, Individual 1, were standing by § 87(2)(b)'s vehicle at the time. One of the officers asked § 87(2)(b) and Individual 1 if they owned the car, and they said no. § 87(2)(b) did not recall the officers asking any individuals to show them identification. One of the officers stated that since the owner of the car was not present, they would have it towed. Sgt. Charles and PO Brown walked around the car and observed the interior. § 87(2)(b) did not see either officer open any doors, lean into, search, or otherwise breaking the plane of the vehicle. § 87(2)(b) then told the officers that the vehicle was his. At that point, § 87(2)(b) went inside the laundromat to help a customer, and when he returned outside later on, the officers had left the scene.

### **NYPD Statements:**

#### **Subject Officer: PO DELISA BROWN**

- *A black woman who is 5'1" tall, weighing 138 pounds with black hair and brown eyes, PO Delisa Brown was § 87(2)(b) old at the time of the incident.*
- *PO Brown worked from 4 p.m. on August 28, 2012 to 12:35 a.m. on August 29, 2012. She was dressed in uniform and assigned to RMP 4277 with Sgt. Gesner Charles.*

#### **Memo Book Entries**

- 10:00 p.m., One male stopped in front of § 87(2)(b) unreasonable noise (vehicle); New York license plate § 87(2)(b) 2000 white Mercury; § 87(2)(b), Class D; date of birth § 87(2)(b). 10:10 p.m., Issued summons # § 87(2)(b). (encl. G1-G3)

### Summons

- PO Brown issued summons number § 87(2)(b) to § 87(2)(b) for § 87(2)(b). Under the heading Criminal Court Information, she wrote, “At time and place of occurrence the undersign did observe defendant playing radio from his vehicle at an excessive volume.” (encl. G4-G5).

### CCRB Statement

PO Delisa Brown was interviewed at the CCRB on October 5, 2012 (encl. G6-G8).

PO Brown and Sgt. Gesner Charles were driving westbound on § 87(2)(b) in Brooklyn when, at the intersection of § 87(2)(b), they heard loud music emanating from a white vehicle. PO Brown was approximately five feet away from the vehicle when she first heard the music. PO Brown did not recall what kind of music was playing. The windows of the vehicle were down, and the engine was running. An unidentified man then approached PO Brown and Sgt. Charles and told them that the vehicle had been playing loud music. The man then walked away. PO Brown, who was driving, and Sgt. Charles, who was in the passenger seat, pulled up alongside the white vehicle. No one was inside the vehicle, although the engine was on.

PO Brown and Sgt. Charles exited their car and observed a man standing next to the white vehicle. PO Brown asked the man if the vehicle was his, and he said no. There were three additional men talking to each other, standing approximately two feet away from the man by the vehicle. PO Brown asked the three men if any of them owned the vehicle or knew to whom it belonged. Some of the men said no, and some did not respond. One of the four men standing near the vehicle was § 87(2)(b). During her CCRB interview, PO Brown stated that it was her intention to have the owner of the vehicle turn down the music. However, she then decided to issue the owner of the vehicle a summons when the men denied knowing who the vehicle belonged to, because she believed that they were lying to her. PO Brown did not at any point obtain the names of the other men and she did not recall an individual named § 87(2)(b) present during the incident. PO Brown did not recall whether § 87(2)(b) was one of the men who had denied ownership of the vehicle. She did not ask any of the men other than § 87(2)(b) any other questions. PO Brown initially stated that either she or Sgt. Charles, or possibly both of them, asked the group of men for their driver’s licenses, but she later said that she did not recall whether herself or Sgt. Charles asked anyone other than § 87(2)(b) for their identification.

According to PO Brown, “we opened up the car door ... to look to see if we could possibly identify whose vehicle it was.” PO Brown could not recall whether it was her or Sgt. Charles who opened the driver’s side door of the vehicle, which was unlocked. PO Brown said that both herself and Sgt. Charles “looked in” the vehicle, but she could not recall which officer looked inside first. PO Brown used her flashlight to look at the front driver’s side and passenger’s side seats and floor, as well as the area around the closed center console. PO Brown initially stated that she did not “lean into” the vehicle, but she then stated that while she did not recall whether she breached the plane of the vehicle door, “if I have to look in it, yeah, I would think that I leaned a little into the car.” PO Brown did not recall any other doors of the vehicle being opened. She did not recall whether Sgt. Charles leaned into the vehicle or breached the plane of the vehicle, and she did not recall herself or Sgt. Charles placing a foot or knee inside the vehicle. Sgt. Charles did not instruct PO Brown to look inside the vehicle, and neither she nor Sgt. Charles opened any compartments or containers. PO Brown did not recall whether she or Sgt. Charles ever turned the music down, but she stated that they did not turn it off.

PO Brown and Sgt. Charles told the men that they would have to tow the vehicle. § 87(2)(b) then approached PO Brown and Sgt. Charles and admitted that he was the owner. PO Brown asked § 87(2)(b)

§ 87(2)(b) for his identification and § 87(2)(b) asked why she wanted it. PO Brown repeated her request, but § 87(2)(b) asked what he had done wrong. PO Brown again repeated her request and told § 87(2)(b) that she could write him two summonses: one for making unreasonable noise and one for leaving his vehicle's engine idling. § 87(2)(b) then provided his identification to PO Brown approximately 20 seconds after her first request. PO Brown did not recall herself or Sgt. Charles asking for or having possession of any identification belonging to any civilians other than § 87(2)(b) during the incident. § 87(2)(b) was the only civilian at the location who was ever not free to leave. PO Brown got into her RMP and wrote § 87(2)(b) a summons for § 87(2)(b) (encl. G4-G5). PO Brown then exited her car and handed it to § 87(2)(b). § 87(2)(b) made a video recording of PO Brown handing him the summons.

#### **Subject Officer: SGT. GESNER CHARLES**

- *A black man who is 5'9" tall, weighing 200 pounds, with black hair and brown eyes, Sgt. Gesner Charles was § 87(2)(b) old at the time of the incident.*
- *Sgt. Charles worked from 3:50 p.m. on August 28, 2012 to 12:47 a.m. on August 29, 2012, as the 70<sup>th</sup> Precinct patrol supervisor. He was dressed in uniform and assigned to RMP 4277 with PO Delisa Brown.*

#### **Memo Book Entries**

- Sgt. Charles had no memo book entries regarding the incident (encl. G9-G11).

#### **CCRB Statement**

Sgt. Gesner Charles was interviewed at the CCRB on October 5, 2012 (encl. G12-G13) § 87(2)(g)

Sgt. Charles observed a black man in his mid-30s or 40s, standing approximately 5'9" tall, with a muscular build, and dressed in a tank top outside of § 87(2)(b) in Brooklyn, waving his hand at the officers. PO Brown drove past the black man, and Sgt. Charles instructed her to make a U-turn. They drove up to the black man, who identified himself as the owner of the laundromat at § 87(2)(b) and who stated that a car had been parked in front of his laundromat, playing loud music, all day. The man said that he was afraid to say anything to the vehicle's owner, whom he did not identify, and then went inside the laundromat without providing his name.

The unoccupied white vehicle that was in plain sight to Sgt. Charles had very loud music playing and was the only vehicle parked in front of the laundromat. Sgt. Charles could not recall whether the doors of the vehicle were locked or unlocked. He and PO Brown exited their RMP and approached the vehicle. Five to ten seconds after they did so, § 87(2)(b) approached them. Sgt. Charles did not observe where § 87(2)(b) had come from. He asked § 87(2)(b) if he owned the vehicle, and § 87(2)(b) said that he did. Sgt. Charles asked § 87(2)(b) for his identification. § 87(2)(b) complied and asked that the officers not issue him a summons. Sgt. Charles instructed PO Brown to issue § 87(2)(b) a summons for § 87(2)(b). At the conclusion of the incident, § 87(2)(b) got into his vehicle and turned the music off.

Sgt. Charles did not open any doors of the vehicle or breach its plane with any part of his body, nor did he recall PO Brown doing so. Neither officer searched the vehicle. Sgt. Charles did not examine its interior. He did not instruct PO Brown to search the vehicle, to look inside the vehicle, to open any of the vehicle's doors, or to stop or question anyone other than § 87(2)(b). Sgt. Charles did not stop anyone other than § 87(2)(b) during the incident, he did not ask anyone other than § 87(2)(b) for identification, and he did not ask anyone other than § 87(2)(b) whether he or she owned the vehicle. He did not recall PO



Brown performing any of these actions either. Sgt. Charles did not recall interacting with anyone named § 87(2)(b) during the incident.

### **Attempts to Obtain Video Footage**

- In response to a subpoena for surveillance audio or video recordings (encl. J9), § 87(2)(b) contacted the CCRB on September 18, 2012 and stated that § 87(2)(b) had no working surveillance cameras at the time of the incident.

### **Summons and Disposition**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Status of Civil Proceedings**

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of January 22, 2013 with regard to this incident, two months after the filing deadline (encl. I1).

### **Civilian Criminal History**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Civilian CCRB History**

- § 87(2)(b) has filed the following CCRB complaints (encl. D1):

- § 87(2)(b)
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### **Subject Officer CCRB History**

- PO Brown has been a member of the service for 2 years and there are no substantiated CCRB allegations against her (encl. C1).
- Sgt. Charles has been a member of the service for 13 years and there are no substantiated CCRB allegations against him (encl. C2).

### **Conclusion**

### **Identification of Subject Officer**

- § 87(2)(b) stated that the officer who questioned him was male and Sgt. Charles was the only male officer at the scene. § 87(2)(g)
- PO Brown and Sgt. Charles admitted to interacting with § 87(2)(b)

## Investigative Findings and Recommendations

### Allegation A - Abuse of Authority: Sgt. Gesner Charles questioned § 87(2)(b)

After providing a brief telephone statement, § 87(2)(b) stated that he did not wish to participate in the investigation, and § 87(2)(b) did not witness § 87(2)(b) being questioned. § 87(2)(g)

### Allegation B – Abuse of Authority: PO Delisa Brown searched § 87(2)(b) s vehicle.

### Allegation C – Abuse of Authority: Sgt. Gesner Charles supervised the search of § 87(2)(b) s vehicle.

It is undisputed that loud music could be heard in the vicinity of § 87(2)(b) in Brooklyn on the date and time of the incident, that § 87(2)(b) s vehicle was located in front of that location, and that the vehicle was unoccupied. § 87(2)(g)

§ 87(2)(b) recalled loud music coming from § 87(2)(b) s vehicle as the officers arrived at the scene. § 87(2)(g)

Although Sgt. Charles stated that § 87(2)(b) identified himself as the owner of the vehicle a few seconds after the officers arrived at the scene, PO Brown’s assertion that the individuals at the scene failed to identify the vehicle’s owner after she requested them to § 87(2)(g)

§ 87(2)(g) § 87(2)(b) and § 87(2)(b) both stated that they observed Sgt. Charles searching § 87(2)(b) s vehicle. § 87(2)(b) saw Sgt. Charles open the door of the vehicle, and both civilians recalled observing part of Sgt. Charles’ body inside the vehicle. Conversely, Sgt. Charles denied opening the door of § 87(2)(b) s vehicle, looking inside, or performing any other actions that would constitute a search of the vehicle. He also denied observing PO Brown conduct a search. However, PO Brown stated that one of the officers opened the driver’s side door of the vehicle and that both herself and Sgt. Charles looked inside. PO Brown admitted to using her flashlight to look at the front driver’s side and passenger’s side seats and floor of the vehicle, as well as the area near the center console, in an attempt to identify the vehicle’s owner. PO Brown further admitted that she would have had to have leaned into the vehicle, at least a bit, in order to perform such actions. § 87(2)(g)

Generally, an officer may search a vehicle when there is probable cause to believe the vehicle contains evidence or contraband. People v. Galak, 81 N.Y.2d 463 (1993). Where furtive movements made inside the vehicle during a stop create reasonable suspicion that a weapon is present, an officer may conduct a limited search of the grabbable areas of the vehicle. People v. Crespo, 739 N.Y.S.2d 365 (2002 - 1st. Dept). When an officer breaches the plane of a vehicle or takes actions in order to look into a part of the vehicle which is hidden from public view, a vehicle search has occurred. People v. Hernandez, 656 N.Y.S.2d 12 (1997 - 1st Dept.) (encl. A1-A7)

§ 87(2)(g)

§ 87(2)(g) [Redacted]  
[Redacted]

§ 87(2)(g) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

§ 87(2)(g) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

§ 87(2)(g) [Redacted]  
[Redacted]  
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§ 87(4-b), § 87(2)(g) [Redacted]  
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Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date